



UNIVERSITY OF TORONTO
FACULTY OF LAW



**SECURITIES LAW IN THE
ADVERSARIAL SETTING**

**David Hausman
Tracy Pratt**

VOLUME 1

Winter 2012

BORA LASKIN LAW LIBRARY

JAN - 9 2012

FACULTY OF LAW
UNIVERSITY OF TORONTO

**SECURITIES LAW IN THE
ADVERSARIAL SETTING**

**David Hausman
Tracy Pratt**

VOLUME 1

Winter 2012



Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

<https://archive.org/details/securitieslawina01haus>

Securities Law in the Adversarial Setting

Week 1: Sources and Issues Relating to the Public Interest Jurisdiction

Re Mithras Management Ltd. (1990), 13 OSCB 1600

Ainsley Financial Corp. v. Ontario Securities Commission (1993), 14 O.R. (3d) 280 (Gen. Div.)

Committee for the Equal Treatment of Asbestos Minority Shareholders v. Ontario (Securities Commission), [2001] S.C.J. No. 38

Re Cartaway Resources Corp., [2004] 1 S.C.R. 672

Magna International Inc. et al. (2010), 33 OSCB 6013

Week 2: Formal Investigations by Canadian Securities Commissions

Biscotti v. Ontario Securities Commission (1990), 74 O.R. (2d) 119 (Div. Ct.)

Deloitte & Touche LLP v. Ontario (Securities Commission), [2003] 2 S.C.R. 713

Re Conrad M. Black and John A. Boulton (2007), 31 OSCB 10397

Shapray v. British Columbia Securities Commission, [2009] B.C.J. No. 1358 (BCCA)

Hill v. Hamilton-Wentworth Regional Police Services Board., [2007] 3 S.C.R. 129 (S.C.C.) (headnote)

Sextant Capital Management Inc. (Re) (2011), 34 OSCB 5829

OSC Staff Notice 15-702: Credit for Co-operation

OSC Staff Notice 15-704: Request for Comments on Proposed Enforcement Initiatives

Week 3: Self-Regulatory Organizations

Re TSX Inc. (2007), 30 OSCB 8917 (excerpted)

HudBay Minerals Inc. (Re) (2009), 32 OSCB 3733 (excerpted)

Taub v. Investment Dealers Association of Canada, [2009] O.J. No. 3552 (C.A.)

Week 4: Constitutional and Administrative Law Issues

Re Malartic Hygrade Gold Mines (Canada) Ltd. and Ontario Securities Commission, [1986] O.J. No. 206

Brosseau v. Alberta Securities Commission, [1989] 1 S.C.R. 301

Howe v. Institute of Chartered Accountants of Ontario (1994), 19 O.R. (3d) 483 (CA)

British Columbia Securities Commission v. Branch, [1995] 2 S.C.R. 3

Week 5: Contested Merger and Acquisition Transactions

CW Shareholdings Inc. v. WIC Western International Communications Ltd., [1998] O.J. No. 1886

Icahn Partners LP v. Lions Gate Entertainment Corp., [2010] B.C.J. No. 2130 (excerpted)

Baffinland Iron Mines Corp. (Re) (2010), 33 OSCB 11385

Neo Material Technologies Inc. (Re) (2009), 32 OSCB 6941

BCE Inc. v. 1976 Debentureholders 2008 SCC 69

Week 6: Cross-Border Issues

Gregory & Co. v. Quebec (Securities Commission), [1961] S.C.R. 584

Global Securities Corp. v. British Columbia (Securities Commission), [2000] 1 S.C.R. 494

A. v. Ontario Securities Commission, [2006] O.J. No 1768 (OCJ)

Week 7: Oppression Proceedings and Derivative Actions in the Public Company Setting

Pente Investment Management Ltd. v. Schneider Corp., [1998] O.J. No. 4142

Peoples Department Stores Inc. (Trustee of) v. Wise, [2004] 3 S.C.R. 461

See also *BCE Inc. v. 1976 Debentureholders* 2008 SCC 69

See also *CW Shareholdings Inc. v. WIC Western International Communications Ltd.*, [1998] O.J. No. 1886

Week 8: Law of Corporate Governance

Re Banks (2003), 26 OSCB 3377

Re Magna International Inc., [2010] O.J. No. 3454 (excerpted)

UPM-Kymmene Corp. v. UPM-Kymmene Miramichi Inc., [2002] O.J. No. 2412

Air Products and Chemicals, Inc. v. Airgas Inc., C.A. No. 5249-CC (Del. Ch. Feb 14, 2011) (footnotes removed)

Week 9: Broker-Customer Litigation

Laflamme v. Prudential-Bache Commodities Canada Ltd., [2000] S.C.J. No. 25

Zraik v. Levesque Securities Inc., [2001] O.J. No. 5083 (CA)

Blackburn v. Midland Walwyn Capital Inc., [2005] O.J. No. 678 (CA)

Week 10: Secondary Market Liability

McKenna v. Gammon Gold Inc., [2010] O.J. No. 1057

Silver v. Imax Corp. [2009] O.J. No. 5573

Ontario Securities Act – Civil Liability for Secondary Market Disclosure Provisions

Week 11: Insider Trading and Tipping

Re ATI Technologies Inc. (2005), 28 OSCB 8558

R. v. Rankin, [2006] O.J. No. 4579 (Sup.Ct.)

Re Rowan (2008), 31 OSCB 6515 (excerpted)

R. v. Landen [2008] O.J. No. 4416

Week 12: Disclosure and Criminal/Quasi-Criminal

Coventree Inc. (Re) (2011), 34 OSCB 10209 (excerpted)

Biovail Corp. (Re) (2010), 33 OSCB 8914

R. v. Gouveia et al. (24 June 2005), Toronto (O.C.J.) (unpublished)

R. v. Jarvis, [2002] 2 S.C.R. 757

See also R. v. Rankin, [2006] O.J. No. 4579 (Sup.Ct.)

